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H. R. 7554

IN THE HOUSE OF REPRESENTATIVES

JANUARY 27, 1954

Mr. REES of Kansas introduced the following bill; which was referred to the
Committee on Post Office and Civil Service

A BILL

To provide for compensation of certain employees on days when departments or establishments of the Government are closed by administrative order.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the first section of the Joint Resolution 127 of June 29,
4 1938 (52 Stat. 1246), is amended by inserting after
5 “Executive order”, the following: “or any day on which
6 such employees are relieved or prevented from working
7 solely because a department or establishment of the Govern-
8 ment, or any part thereof, is closed by administrative
9 order,”.

A BILL

To provide for compensation of certain employees on days when departments or establishments of the Government are closed by administrative order.

By Mr. REES of Kansas

JANUARY 27, 1954

Referred to the Committee on Post Office and Civil Service

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued February 3, 1954
For actions of February 2, 1954
83rd-2nd, No. 19

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HIGHLIGHTS: House sent measure to restore CCC's capital impairment, etc., to conference. Rep. Whitten discussed his bill to sell CCC surpluses. House committee reported soil conservation bill. House committee was authorized to file supplemental report on public-for-private timber-land exchange bill by Feb. 4, and Rep. Metcalf discussed this bill. Sens. Morse and Humphrey criticized REA and other power policies. Sen. Aiken introduced bill re residues of pesticide chemicals in agricultural commodities.

HOUSE

1. SOIL CONSERVATION. The Agriculture Committee reported without amendment H.R. 6788, to authorize the Secretary to cooperate with States and local agencies in the planning and carrying out of works of improvement for soil conservation (H. Rept. 1140) (p. 1123).

2. COMMODITY CREDIT CORPORATION. Reps. Andersen, Horan, Hunter, Laird, Taber, Whitten, Cannon, and Marshall were appointed as conferees for H. J. Res. 358, to discharge CCC indebtedness to the Treasury (p. 1082). The "Daily Digest" states that the conferees "met in executive session...but did not reach final agreement and recessed subject to call" (p. D98).

Rep. Whitten spoke in favor of his bill; H.R. 7546, to authorize sale of CCC farm commodities on the competitive world market, stating that such commodities "are being held off the market...against the interests of the American farmers" and that the cost of these commodities "should be charged to whatever national interest is responsible for keeping these commodities off the world market instead of being charged solely to agriculture" (pp. 1084-85).

3. FORESTRY. The Interior and Insular Affairs Committee was authorized to file a supplemental report by Feb. 4, on H.R. 4646, to provide for the exchange of certain public for private timber-lands (p. 1084). Extension of remarks by Rep. Metcalf discussing and inserting an article on this bill (pp. 1084-5-6). Majority Leader Halleck stated: "I understand a supplemental report on it (H.R. 4646) may be filed by midnight tonight. If it is, it will be our purpose to have this measure called up tomorrow or Thursday." (pp. 1116-17).
4. RECLAMATION. Passed with amendments H.R. 4551, to amend the Reclamation Project Act of 1939 to provide that construction of any new project, new division, or new supplemental works not authorized by a secretarial finding of feasibility or by act of Congress on or before January 20, 1953, may be undertaken only by act of Congress; this provision would, however, not be applicable to projects costing \$5 million or less. (p. 1093).
Passed with amendment H.R. 2235, to authorize the Secretary of the Interior to construct the Santa Maria project, Southern Pacific Basin, Calif. (pp. 1101-08).
Received a National Society of the Sons of Utah Pioneers petition recommending the immediate construction of the Echo Park Dam (p. 1131).
5. PERSONNEL. A Post Office and Civil Service Subcommittee approved for reporting to the full committee with amendments H.R. 7554, to provide for the payment of employees working on an hourly or per diem basis when the Government is closed by administrative order (p. D98).
6. COFFEE PRICES. Rep. Sadlak protested against and Rep. Steed urged an investigation on the rising cost of coffee (pp. 1083, 1120-22).
7. TREATIES. Received a petition in favor of, and Rep. Javits spoke against, the Bricker amendment to limit the President's treaty power (pp. 1083, 1131).
8. ST. LAWRENCE SEAWAY. Rep. Friedel spoke on the reasons he opposed this project (pp. 1086-87).
9. TVA. Rep. Cooper criticized the Administration for not recommending funds for expansion of TVA (pp. 1117-19).
10. BUDGETING. Received a Budget Bureau report on the operation of its Circular No. A-45 upon departments, agencies and corporations of the Government (p. 1123).
11. COMMITTEE EXPENDITURES. Received the reports of each committee, including Agriculture, Appropriations, and Government Operations, showing the name, profession and total salary of each person employed (pp. 1124-29).
12. ORGANIZATION. Received from the President a proposed supplemental appropriation of \$60,000 for the President's Advisory Committee on Government Organization (H. Doc. 310) (p. 1123).
13. GENERAL SERVICES. Received the annual report of the Administrator of General Services Administration (p. 1123).
14. RESEARCH. Received a Colo. Legislature memorial urging Congress to appropriate sufficient funds to effectively administer the Department's experiment stations in the Great Plains (p. 1130).

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

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For actions of February 4, 1954
83rd-2nd, No. 21

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HIGHLIGHTS: House committee reported additional amendments to public-fer-private timberland exchange bill. Sen. Gillette suggested food stamp plan. Rep. Hunter inserted John H. Davis' speech on agriculture's course in foreign trade. Sen. Douglas criticized Mexican farm-labor program. Sen. Frear recommended substitution of milk for coffee. Sens. Wiley and Murray recommended 90% price supports. Senate committee ordered reported Alaska statehood bill.

HOUSE

1. FORESTRY. The Interior and Insular Affairs Committee submitted a supplemental report recommending additional amendments to H. R. 4646, to provide for exchange of public timberlands for private lands which are required for Government projects (H. Rept. 972, part 2) (p. 1308).
2. REPORTS. The Government Operations Committee ordered reported (but did not actually report) H. R. 6290, to discontinue certain reports now required by law from the departments and agencies, including several which are made by this Department (p. D109).
3. PERSONNEL. The Post Office and Civil Service Committee ordered reported (but did not actually report) H. R. 7554, to provide for compensation of certain employees on days when departments or establishments of the Government are closed by administrative order (p. D110).
4. ORANGE JUICE. Rep. Wickersham commended orange juice as a food (p. 1286).
5. ADJOURNED until Mon., Feb. 8 (p. 1308). Majority Leader Halleck expressed the hope that a conference report on the CCC bill can be submitted and acted upon Mon. or Tues. (p. 1300).

SENATE

6. SURPLUS COMMODITIES. Sen. Gillette inserted his letter to Secretary Benson suggesting study of plans to dispose of surplus commodities, including a food-stamp plan (pp. 1233-4).

7. FARM LABOR. Sen. Douglas urged greater attempts to prevent entry of Mexican wet-backs and criticized the negotiations in connection with continuation of the Mexican farm-labor program (pp. 1237-9).
8. PERSONNEL. Sen. Knowland inserted Civil Service Commission statements showing the numbers of Government personnel for each of the last 20 years, the numbers taken out of civil service, the numbers brought into civil service, etc. (pp. 1263-5).
9. TREATIES. Continued debate on S. J. Res. 1, the Bricker amendment to restrict treaty powers (pp. 1235-6, 1240-63, 1266-9).
10. COFFEE PRICES; DAIRY PRODUCTS. Sen. Frear recommended substitution of milk for coffee as a means of reducing coffee prices and dairy surpluses (p. 1237).
11. PRICE SUPPORTS. Sen. Wiley inserted his statement favoring 90%-of-parity price supports and recommending reduction of dairy surpluses through increased consumption, research, school lunches, and foreign relief (pp. 1236-7).
12. ECONOMIC SITUATION. Sens. Murray, Goldwater, Wiley, Humphrey, Lehman, and others discussed the present economic situation (pp. 1269-82). During this discussion Sen. Lehman stated, "Farmers are in...a serious recession and it is worsening" (p. 1273), and Sen. Murray recommended 90%-of-parity price supports for additional products (on a permanent basis), including feed grains, beef, and other perishables (p. 1281).

BILLS INTRODUCED

13. COMMODITY EXCHANGES. H. R. 7735, by Rep. Angell, to amend Sec. 2 of the Commodity Exchange Act "relating to the meaning of the word 'commodity'"; to Agriculture Committee (p. 1309).
14. FARM LOANS. H. R. 7737, by Rep. Curtis, Nebr., to amend the Bankhead-Jones Farm Tenant Act so as to authorize insurance of loans to finance deep-well irrigation systems; to Agriculture Committee (p. 1309).
15. PERSONNEL. H. R. 7738, by Rep. Keating, to revise the laws relating to the claims and services of former employees in matters affecting the Government; to Judiciary Committee (p. 1309).
H. R. 7742, by Rep. Roberts, to authorize the withholding, upon request, from pay of Federal employees, of amounts for voluntary prepayment plans and insurance for hospital and medical care; to Post Office and Civil Service Committee (p. 1309).
16. GRANTS-IN-AID. H. R. 7745, by Rep. Corbett, to amend the Hatch Political Activities Act regarding employees of State and local agencies whose activities are financed in whole or part by the U. S. Government; to House Administration Committee (p. 1309).
17. ROAD AUTHORIZATIONS. S. 2859 (see Digest 18) authorizes appropriations for roads, fiscal years 1956 and 1957, of \$800,000,000 annually under the Federal-Aid Road Act. In addition, the bill authorizes \$30,000,000 for forest highways, \$30,000,000 for forest roads and trails, and \$50,000,000 for access roads for each of the two fiscal years. The bill provides that the entire amount of \$240,000,000 for secondary roads (including farm-to-market roads) would be available for disbursement to the States on certification that State agencies had expended matching amounts. It authorizes the President to advance by as much as a year the effective date of authorizations if he determines, upon

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

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S3rd-2nd, No. 23

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HIGHLIGHTS: House received conference report on CCC indebtedness measure. Sen. Hicken and Rep. Hefse introduced wool bill. Rep. Johnson (Wis.) recommended 160% mandatory price supports for dairy products, and Rep. Javits opposed this and urged butter consumption. Senate discussed CCC borrowing authority bill. Senate discussed bill to rotate CCC stocks.

SENATE

1. COMMODITY CREDIT CORPORATION; COFFEE PRICES. Discussed and passed over S. 2714, to increase CCC borrowing authority (pp. 1433-4); S. 1381, to provide for rotation of CCC stocks (p. 1444); and S. 1386, to extend the Commodity Exchange Act to coffee (p. 1438).
2. NOMINATIONS. Confirmed the nominations of Neil H. Jacoby and Walter W. Stewart to the Council of Economic Advisers (p. 1444).
3. TREATIES. Continued debate on S. J. Res. 1, the Bricker amendment to limit treaty powers (pp. 1432-3).

HOUSE

4. COMMODITY CREDIT CORPORATION. Received the conference report on H. J. Res. 358, to discharge certain CCC indebtedness. The statement of House conferees is as follows: "Authorizes restoration of capital impairment of the Commodity Credit Corporation in the amount of \$550,151,848, instead of \$609,930,933 as proposed by the House and \$114,283,062 as proposed by the Senate. The amount agreed upon in this amendment, together with the other two items provided in the joint resolution, provides a total capital restoration of \$681,769,703, instead of \$741,548,788 as proposed by the House and \$245,900,917 as proposed by the Senate." (H. Rept. 1184; p. 1347.)
5. PRICE SUPPORTS. Rep. Johnson, Wis., recommended 100% mandatory price supports for dairy products (pp. 1349-50), and Rep. Javits opposed this and urged consumption of surplus butter (pp. 1352-3).

6. PERSONNEL. The Post Office and Civil Service Committee reported with amendments H. R. 7554, to provide for pay of certain employees on days when Government agencies are closed by administrative order (H. Rept. 1185)(pp. 1361-2).
7. FOREIGN ECONOMIC POLICY. Received a minority report from the Commission on Foreign Economic Policy (H. Doc. 290, pt. 11)(p. 1361).
8. RESEARCH LANDS. The Interior and Insular Affairs Committee reported with amendment H. R. 4984, to remove the reversion clause in connection with a tract of USDA research land which had been transferred to Miles City, Mont. (H. Rept. 1187)(p. 1362).
9. REPORTS. The Government Operations Committee reported with amendment H. R. 6290, to discontinue various reports now required by law (H. Rept. 1193)(p. 1362).
10. EXTENSION WORK. The Government Operations Committee reported without amendment H. J. Res. 300, directing GSA to convey a tract of surplus land to the Texas Hill Country Development Foundation for use by 4-H Clubs, etc. (H. Rept. 1194)(p. 1362).

COMMITTEE HEARINGS RELEASED BY GPO

81st Cong.

11. PERSONNEL. Performance Rating Act of 1950, H. R. 7264, H. R. 7824./ H. Post Office and Civil Service Committee.
12. ELECTRIFICATION. Power Policy. H. Interior and Insular Affairs Committee.
13. COMMODITY CREDIT CORPORATION Borrowing Power, S. 2714. S. Agriculture and Forestry Committee.
14. FARM PROGRAM, Long Range, Serial R, Part 12. H. Agriculture Committee.
15. SURPLUS COMMODITIES, Exchange of. S. Armed Services Committee.

BILLS INTRODUCED

16. WOOL. S. 2911, by Sen. Aiken, and H. R. 7775, by Rep. Hope, "to provide for the development of a sound and profitable domestic wool industry under our national policy of expanding world trade; to encourage increased domestic production of wool for our national security"; to Senate Agriculture and Forestry Committee and House Agriculture Committee (pp. 1362, 1413-14).
17. FOOD DISTRIBUTION. H. R. 7767, by Rep. Bolling, to provide for distribution of surplus commodities through a food-allotment program; to Agriculture Committee (p. 1362).
18. PURCHASING. H. R. 7790, by Rep. Smith, Miss., to provide for placing certain contracts in low-income States; to Government Operations Committee (p. 1363).
19. PUBLIC WORKS. S. 1913, by Sen. Douglas, and H. R. 7766, by Rep. Bolling, to establish a public-works program; to Public Works Committee (pp. 1362, 1414).
20. FARM LABOR. H. R. 7768, by Rep. Budge, to exempt certain irrigation works from the Fair Labor Standards Act; to Education and Labor Committee (p. 1362).
21. FARM TRAINING. H. R. 7769, by Rep. Dolliver, to provide for apprentice or other training on the job in agricultural occupations; and H. R. 7770, by Rep. Dolliver, to provide institutional on-farm training for the veteran who performs part of his course as employee of another; to Veterans' Affairs Committee (p. 1362).

PAY OF CERTAIN EMPLOYEES FOR NONWORKDAYS SET BY ADMINISTRATIVE ORDER

FEBRUARY 8, 1954.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. GROSS, from the Committee on Post Office and Civil Service,
submitted the following

R E P O R T

[To accompany H. R. 7554]

The Committee on Post Office and Civil Service, to whom was referred the bill (H. R. 7554) to provide for compensation of certain employees on days when departments or establishments of the Government are closed by administrative order, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

- (1) In line 3, strike out "127".
- (2) In line 5, strike out "Executive order", the " and insert in lieu thereof the following: "by Executive order," the".
- (3) In lines 7 and 8, strike out "solely because a department or establishment of the Government, or any part thereof, is closed".
- (4) In line 9, strike out "order," and insert in lieu thereof the following: "order issued under such regulations as may be promulgated by the President,".

The first three amendments are technical amendments which remove surplusage and clarify the purpose of this legislation. The last amendment provides for regulation by the President of the issuance of administrative orders on the basis of which per diem, per hour, and piece-rate employees will be paid for nonworkdays.

STATEMENT

This legislation will require payment of compensation to per diem, per hour, and piecework employees for any day on which they are relieved or prevented from working by administrative order issued under regulations promulgated by the President.

The Comptroller General has ruled that employees paid on an annual or monthly basis may be excused from duty on such days without charge to leave or loss of pay, but that employees paid at hourly, daily, or piece rates may not, in the absence of specific statutory authority, be so excused.

The Department of Defense, which employs approximately 90 per cent of the personnel affected, recommends this legislation as essential to provide equitable treatment for per diem, hourly, and piece-rate employees. It is particularly important in localities where the prevailing practice among private employers is to compensate workers for such nonworkdays.

Prior to a clarifying decision by the Comptroller General in 1952, the Departments of the Army and Air Force for a long time, under their understanding of earlier decisions, had excused their per diem, per hour, and piece-rate employees without charge to leave or loss of pay upon closing by administrative order. This practice was used very sparingly.

The Department of Defense gave assurance that similar statutory legislation will be utilized only in emergencies and for periods of short duration not generally exceeding a few days at a time. It does not apply to situations such as closing down of plants, buildings, or facilities for repairs or other reasons during periods of several weeks' or months' duration. This distinction will be defined clearly and in such detail as may be necessary in the regulations promulgated by the President.

The exact cost of this legislation cannot be determined, but the Department of Defense reports that such cost will be negligible and will result in no increase in appropriations.

This legislation has the official approval of the Bureau of the Budget.

The letter from the Acting Secretary of the Air Force recommending this legislation follows:

DEPARTMENT OF THE AIR FORCE,
OFFICE OF THE SECRETARY,
Washington, December 15, 1953.

HON. JOSEPH W. MARTIN, Jr.,
Speaker of the House of Representatives.

DEAR MR. SPEAKER: There is enclosed a draft of legislation to provide for compensation of certain employees on days when departments, agencies, or establishments of the Government are closed by administrative order.

This proposed legislation is a part of the Department of Defense legislative program for 1954. The Bureau of the Budget has informed the Department of Defense that there is no objection to the submission of this legislation to the Congress for its consideration.

The responsibility for representing the Department of Defense on this legislation has been delegated to this Department by the Office of the Secretary of Defense. The Department of the Air Force on behalf of the Department of Defense recommends that the proposal be enacted by the Congress.

PURPOSE OF THE LEGISLATION

This proposed legislation would give department and agency heads the authority to pay per diem employees for those days on which such employees are relieved or prevented from working solely because a department or establishment of the Government, or any part thereof, is closed by administrative order. Enactment of the proposed legislation will clarify the present confused and inequitable situation which prevents some employees from being paid on days upon which they are prevented from working by circumstances beyond their control, while others are paid under identical circumstances. It would extend the principle enunciated by the Congress in the so-called Holiday Pay Act of 1938 (52 Stat. 1246; 5 U. S. C.

86a, and Public Law 233, 82d Cong.), and provide equitable treatment for per annum and per diem employees with respect to pay under comparable circumstances.

From time to time, circumstances arise locally which temporarily make it impracticable for military installations and activities to carry on their functions. For the most part these temporary suspensions of work arise out of unusual climatic conditions, such as floods, blizzards, or severe icing which necessitate closing the installation or prevent large numbers of employees from reporting to work. On rare occasions it also is necessary to suspend work because of disruptions to public transportation, unanticipated delays in receipt of materials, sudden breakdown of machinery, or temporary suspension of production at private plants where employees are assigned as inspectors. These work stoppages rarely exceed 1 or 2 days.

Prior to the enactment of the Holiday Pay Act, the Comptroller General had ruled that employees paid on an annual or monthly basis could be excused from duty under such circumstances without charge to leave or loss of pay. A distinction was made, however, as to those paid at hourly, daily, or piece rates, and it was held that such employees would not be entitled to pay unless appropriate charges to annual leave were made (17 Comp. Gen. 298). The Holiday Pay Act provides that hourly, daily, and piece rate employees shall receive pay for holidays declared by "Federal statute or Executive order, or any day on which the departments and establishments of the Government are closed by Executive order." Thus, these employees are by law required to be treated the same as employees paid on an annual or monthly basis under the circumstances stated. Similarly, the act of March 2, 1940 (54 Stat. 38), provided that nonworkdays established by administrative order should not be charged as leave. This statute was applicable to both per annum and per diem employees and has been incorporated in section 205 (a) of the Annual and Sick Leave Act of 1951 (Public Law 233, 82d Cong.). These two statutes indicate an intent on the part of Congress to treat per annum and per diem employees alike for purposes of pay and leave on nonworkdays.

In 1941, the Comptroller General again considered the question of pay and leave where installations are closed by administrative order. He reiterated his former ruling as to annual employees, and added the following: "The same would apply to employees * * * whose compensation is paid at a rate per day, per hour, or on a piecework basis, that is, those entitled to pay for holidays under the terms of Public Resolution No. 127" (21 Comp. Gen. 101). Certain executive departments, including the Department of the Army and the Department of the Air Force, construed the latter decision as overruling the earlier one and established a practice of excusing per diem employees without loss of pay or leave under the cited circumstances. This construction was deemed consistent with both the decision and the intent of the Holiday Pay Act and the act of March 2, 1940, to remove inequities as between wage and salaried employees with regard to pay and leave for nonworkdays. The practice has remained in effect for a full decade without objection from the General Accounting Office in its audits of civilian payrolls.

Other agencies, including the Department of the Navy, have followed a contrary policy of charging leave or reducing pay on days when work is suspended. The Department of the Navy has been fully aware of the difference in treatment accorded its employees as compared with those of the other military departments. However, in view of the first decision cited above and that Department's consistent practice of 15 years' standing in accordance with that decision, the Department of the Navy was of the opinion that a different policy could not be adopted without the express approval of the Comptroller General. Consequently, the Department of the Navy requested a ruling by the Comptroller General to clarify the situation. The Comptroller General held, on June 17, 1952, that in the absence of specific statutory authority his Office could not approve a practice of excusing per diem employees without charge to leave or loss of pay (Comp. Gen. Dec. No. B-108085).

Although only a small number of employees would benefit personally from this legislation, the Department of Defense considers it essential in order to permit reasonable and equitable treatment of employees who are prevented from working because of conditions beyond their control. The authority is particularly important in those localities where it is the prevailing practice among private employers to compensate personnel for such nonworkdays. Similarly, the authority is essential in order to avoid certain hardships and inequities in areas other than pay. Strict adherence to Comptroller General's decision B-108085 would necessitate placing per diem employees on leave or leave without pay during a

period of temporary duty at a private plant, if for some unforeseen reason that plant was closed for a brief period of time. This, in turn, would necessitate suspension of subsistence allowances for those employees. Thus, the employee would not only be deprived of administrative leave because of conditions beyond his control but also deprived of certain essential travel expenses. The problem is further compounded by recent acts of Congress which have materially reduced annual leave benefits and prevented the accumulation of annual leave from year to year which has heretofore been available to employees.

Under prior interpretation of the authority to grant administrative leave, the Departments of the Army and the Air Force exercised extreme care in its use. Wherever possible its use has been avoided. Emergency transportation facilities have been established to get people to work in the event of public transportation difficulties and employees have been assigned to other productive work, wherever possible, in the event of temporary breakdowns of machinery, material shortages, and other similar work stoppages. In the event that prolonged work stoppages could be anticipated in advance, permitting employees to plan ahead for the use of annual leave, employees have been placed on annual leave. There is no intent in seeking this legislation to depart from that practice in the future. Close safeguards against the abuse of the authority have been and will be prescribed as to the nature and the duration of administrative leave.

COST AND BUDGET DATA

It is impossible to give an accurate estimate of the cost to the Department of Defense that would arise from enactment of this proposal, as the cost involved would be occasioned by unanticipated events which would prevent employees from working and by circumstances beyond their control. It is anticipated that the cost involved would be negligible and can be absorbed in available appropriations.

Sincerely yours,

JAMES H. DOUGLAS, *Under Secretary.*

An identical letter has been forwarded to the President of the Senate.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as introduced, are shown as follows (new matter is printed in italics, existing law in which no change is proposed is shown in roman):

FIRST SECTION OF JOINT RESOLUTION OF JUNE 29, 1938 (PUBLIC RES. NO. 127, 75TH CONG.; 52 STAT. 1246)

That hereafter whenever regular employees of the Federal Government whose compensation is fixed at a rate per day, per hour, or on a piece-work basis are relieved or prevented from working solely because of the occurrence of a holiday such as New Year's Day, Washington's Birthday, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Day, or any other day declared a holiday by Federal statute or Executive order, or any day on which the departments and establishments of the Government are closed by Executive order, *or any day on which such employees are relieved or prevented from working solely because a department or establishment of the Government, or any part thereof, is closed by administrative order,* they shall receive the same pay for such days as for other days on which an ordinary day's work is performed.

83^D CONGRESS
2^D SESSION

H. R. 7554

[Report No. 1185]

IN THE HOUSE OF REPRESENTATIVES

JANUARY 27, 1954

Mr. REES of Kansas introduced the following bill; which was referred to the Committee on Post Office and Civil Service

FEBRUARY 8, 1954

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italic]

A BILL

To provide for compensation of certain employees on days when departments or establishments of the Government are closed by administrative order.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the first section of the Joint Resolution 127 of June 29,
4 1938 (52 Stat. 1246), is amended by inserting after
5 ~~“Executive order”~~ the *“by Executive order,”* the following:
6 “or any day on which such employees are relieved or pre-
7 vented from working solely because a department or estab-
8 lishment of the Government, or any part thereof, is closed
9 by administrative order,” *order issued under such regula-*
10 *tions as may be promulgated by the President,”.*

83^d CONGRESS
2^d SESSION

H. R. 7554

[Report No. 1185]

A BILL

To provide for compensation of certain employees on days when departments or establishments of the Government are closed by administrative order.

By Mr. REES of Kansas

JANUARY 27, 1954

Referred to the Committee on Post Office and Civil Service

FEBRUARY 8, 1954

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued February 17, 1954
For actions of February 16, 1954
83rd-2nd, No. 29

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HIGHLIGHTS: Sens. Humphrey, Aiken, Lehman, Dirksen, Ellender, Anderson, and others discussed decision to lower dairy price supports. Sen. Humphrey favored more pay and other benefits for Federal meat inspectors. Sen. Williams discussed perjury conviction of former USDA employee in CCC grain storage case. House debated public-for-private timberlands exchange bill. House committee reported Treasury-Post Office appropriation bill. Rep. Sutton criticized USDA's handling of seed sales. House passed bill extending Commodity Exchange Act to onions. Rep. Andresen introduced bill to limit price support reductions on dairy products. Rep. Jones (Ala.) introduced bill to extend farm housing loans. Rep. Dorn (S. C.) introduced and discussed bill for tax deductions on transportation of farm commodities and livestock.

SENATE

1. PRICE SUPPORTS. Sens. Humphrey, Aiken, Lehman, Dirksen, Ellender, Anderson, and others discussed the Secretary's action in reducing price supports on dairy products to 75% of parity; Sen. Humphrey strongly criticized the Secretary's decision (pp. 1677-95).
2. MEAT INSPECTION; PERSONNEL. Sen. Humphrey spoke favoring increased salaries, more equitable overtime pay, an improved retirement system, etc., for Federal meat inspection employees, saying the "Government...is not meeting its responsibility fully to these employees," and he inserted a letter from the Austin, Minn. local of the American Federation of Government Employees on this subject (pp. 1676-7).
3. GRAIN STORAGE; PERSONNEL. Sen. Williams discussed the recent perjury conviction of a former USDA employee in connection with a "CCC" grain storage transaction, and inserted several news articles discussing this case (pp. 1672-3).
4. COMMITTEE ASSIGNMENT. Sen. Carlson was appointed to membership on the Joint Committee on the Economic Report (p. D149).

HOUSE

5. APPROPRIATIONS. The Appropriations Committee reported without amendment H.R. 7893 the Treasury-Post Office appropriation bill for 1955 (H. Rept. 1200) (p. 1775). Agreed to consider this bill on Thurs., Feb. 18 (p. 1764).
6. SEED SALES. Rep. Sutton criticized this Department's handling of seed sales to syndicates, urging the House Agriculture Committee to undertake "a thorough investigation of this matter and clean up the mess in the Department," and the Attorney General to "study the evidence for possible violation of Federal statutes" (pp. A1771-73).
7. COMMODITY EXCHANGES. Passed without amendment H.R. 6435, to extend the Commodity Exchange Act to onions (pp. 1736-37).
8. FOREST LANDS. Rep. Ellsworth and others debated H.R. 4646, public-for-private timberland exchange bill, and introduced letters and testimony by this Department. Rep. Price stated that the "Forest Service is fully aware of the dangers inherent in this legislation." (pp. 1747-64).
9. RESEARCH LANDS. Passed as reported H.R. 4984, to remove the reversion clause in connection with a tract of USDA research land which had been transferred to Miles City, Mont. (p. 1737).
10. PERSONNEL. Passed as reported H.R. 7554, to provide for compensation of per diem employees on days when Government departments are closed by administrative order (p. 1737).
11. FOOD SURPLUS. Rep. Jones (Mo.) inserted a letter claiming that newspapers were exaggerating the surplus food and outside aid being received by the needy of Dunklin County, Mo. (pp. A1726-27).
12. FLOOD CONTROL; TRANSPORTATION; ORGANIZATION. Received Mass. Legislature memorials seeking Federal aid in flood control and pollution abatement, opposing Government in business or enterprise except as specified in the Constitution, and opposing legislation depriving States of the power to regulate the discontinuance of road services in intrastate commerce (p. 1776).
13. FOREIGN TRADE. Rep. Bailey criticized our reciprocal trade policy with Venezuela and inserted a United Press dispatch from that country threatening to cancel trade relations over our attitude towards the coffee and residual oil situation (p. 1727).
14. COFFEE PRICES. Rep. Gross urged investigation of the amount of coffee set aside to take advantage of increasing prices (p. 1732). Received a Rhode Island Legislature memorial protesting the high price of coffee (p. 1776).
15. TREATIES. Extension of remarks of Rep. Smith (Kans.) favoring S. J. Res. 1, to restrict the President's treaty power (pp. A1197-200).
Rep. Smith (Wis.) inserted Raymond Moley's article favoring S. J. Res. 1 (pp. 1209-10).

ITEMS IN APPENDIX

supply and demand, as so often happened within the last 10 years. Specifically on March 23, 1953 onions sold on the Mercantile Exchange at a time when the attempted squeeze was then in operation at \$4.75 per sack of 50 pounds. During this period, onions were kept out of distributive channels with almost no supplies available. All holdings were held at team track or cold storage pending delivery on futures contract. Within a period of less than 1 week, these same \$4.75-per-sack onions were sold at a variable price of from 60 cents to \$1 per sack. The fact is that in March of 1953 the accumulated storage holdings for delivery purposes were in the hands of a few speculators who already had started the squeeze in operations in February. I have been advised that there was also included a practice of offering to legitimate hedgers a price in excess of their hedge in order to prevent their delivery.

To indicate the speculative interest in the 1953 deal, 102,306 cars were traded, or almost 3 times the entire production. Prices ranged wildly. Often and regularly advanced the limit and created a situation so out of proportion to the law of supply and demand, and for at least a period of over 2 months prevented the proper flow at prices in accordance with the law of supply and demand to have entered into the consumer channels. This, of course, disrupted the whole onion picture, with devastating effect on growers throughout the country, with no appreciable benefit to the consuming public.

Placing onions under the CEA will remedy most of the problems that I have discussed previously herein, and will give an opportunity to the industry to effect and promulgate such rules and regulations governing the contract market, its members and traders which will assist in making that contract market a place where the commodity will be properly and fairly traded within the limitations of the ordinary speculative hazards, not increased by artificial manipulations carried on by unscrupulous interests who seek opportunity for weaknesses within the unregulated contract market, and dote on chaos instead of some form of stability.

The trade from the producers to the distributors, is in almost complete unanimity that there is a possibility of making the futures contract market an adjunct to proper distribution of an available crop, with a degree of certainty for both growers and distributors as well as the consuming public, and that this can be best accomplished under the regulation.

The administration of the CEA and the proper enforcement, in cooperation with the industry, can prevent unwarranted chaos. Under the CEA also there will be opportunities to promulgate such rules and regulations respecting short sales, elimination of certain contract months where need be, inclusion in the Board of Governors of onion people, establishment of an onion advisory committee, considering inclusion in the contract market of the other producing areas which begin harvesting in the spring, and very important is the fact

that under the CEA practices which smack of manipulation will be punishable either by revocation of license, or the more severe penalties under the act. These are not available today.

The original premise anent the subject of futures trading in onions was for its complete prohibition, and while much can be said for this position, however, from a practical viewpoint of this whole subject, it has been concluded by most of the onion people that at this time the likelihood for a complete prohibition is so remote that the relief sought by including onions under the CEA is most practicable at this time.

PAY OF CERTAIN EMPLOYEES FOR NONWORK DAYS

The Clerk called the bill (H. R. 7554) to provide for compensation of certain employees on days when departments or establishments of the Government are closed by administrative order.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the first section of the Joint Resolution 127 of June 29, 1938 (52 Stat. 1246), is amended by inserting after "Executive order" the following: "or any day on which such employees are relieved or prevented from working solely because a department or establishment of the Government, or any part thereof, is closed by administrative order."

With the following committee amendments:

In line 3, strike out "127."

In line 5, strike out "'Executive order", the" and insert in lieu thereof the following: "'by Executive order", the."

In lines 7 and 8, strike out "solely because a department or establishment of the Government, or any part thereof, is closed."

In line 9, strike out "order," and insert in lieu thereof the following: "order issued under such regulations as may be promulgated by the President."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REMOVE LIMITATIONS UPON LAND CONVEYED TO MILES CITY, MONT.

The Clerk called the bill (H. R. 4984) to remove certain limitations upon the purposes for which the city of Miles City, Mont., may use certain land heretofore conveyed to it by the United States.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the city of Miles City, Mont., is authorized to utilize tract E in township 8 north, range 47 east, of the Montana principal meridian (which was conveyed to such city by the Secretary of the Interior pursuant to the act of August 8, 1946 (60 Stat. 946)) for such purposes as may be deemed by the city council of such city to be appropriate, notwithstanding any limitations upon the use of such property imposed by such act of August 8, 1946, or by the patent issued thereunder, and any such limitations shall hereafter be of no force or effect, except that all gas, oil, coal, and other mineral deposits which may be found in such lands, and the right to the use of the

lands for extracting and removing the same, shall be reserved to the United States.

With the following committee amendments:

Page 1, lines 3 to 7, delete the words "utilize tract E in township 8 north, range 47 east, of the Montana principal meridian (which was conveyed to such city by the Secretary of the Interior pursuant to the act of August 8, 1946 (60 Stat. 946)) for such purposes" and insert in lieu thereof the words: "sell or convey for industrial purposes such portion of the thirty-seven and twenty-six one hundredths acres of land more particularly described in the act of August 8, 1946 (60 Stat. 946) which were conveyed to such city by the Secretary of the Interior pursuant to such act to be used for industrial and recreational purposes."

Page 2, line 1, following the word "thereunder" change the comma to a colon, strike the balance of the bill, and insert in lieu thereof the following: "Provided, That any such sale or conveyance shall be at fair market value as determined by the Secretary of Agriculture at the date of appraisal, exclusive of any increased value resulting from the development or improvement of the lands covered by this bill, and the net proceeds of such sale or conveyance shall be deposited in the general funds of the Treasury of the United States."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to remove certain limitations upon the sale or conveyance of land heretofore conveyed to the city of Miles City, Mont., by the United States."

A motion to reconsider was laid on the table.

REMOVE CLOUDS ON TITLES OF CERTAIN LANDS IN COLORADO

The Clerk called the bill (H. R. 5620) to authorize and direct the Secretary of the Interior to correct an incomplete and faulty survey in township 8 north, range 53 west, of the sixth principal meridian in Colorado, and to issue patents describing any new areas included in lots 1, 2, 3, and 4 in sections 1 through 6, township 8 north, range 53 west of the sixth principal meridian in Colorado.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to correct a faulty and incomplete survey of lots 1, 2, 3, and 4 in each of sections 1, 2, 3, 4, 6, and 5, township 8 north, range 53 west of the sixth principal meridian in Colorado by canceling and obliterating the northern boundary of the township as established by A. M. Fahringer in 1871 and by extending the subdivisional lines of the north tier of lots of each of said sections in that township north to the southern boundary of townships 9 north, ranges 53 and 54 west of the sixth principal meridian in Colorado as established by George V. Boutelle in 1868 and reestablished by Benjamin H. Smith in 1875.

SEC. 2. That the Secretary of the Interior is authorized and directed to issue, to the holders of title of record, as of the date of completion of such correction, to lots 1, 2, 3, and 4 in each of sections 1, 2, 3, 4, 5, and 6, township 8 north, range 53 west of the sixth principal meridian in Colorado, patents to

any additional land included in their respective lots by reason of the correction of survey authorized by section 1 of this act: *Provided*, That a charge of \$1.25 per acre shall be made for each acre or fraction thereof patented under the provisions of this act.

With the following committee amendment:

Strike out all after the enacting clause, and insert "That the boundary line established by George V. Boutelle in 1868 and reestablished by Benjamin H. Smith in 1875 is hereby confirmed and reestablished as the southern boundary of township 9 north, ranges 53 and 54 west, sixth principal meridian, Colorado, and as the northern boundary of lots 1, 2, 3, and 4 in each of sections 1, 2, 3, 4, 5, and 6, township 8 north, range 53 west, sixth principal meridian, Colorado."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to remove clouds on the titles of certain lands in Colorado."

A motion to reconsider was laid on the table.

ABOLISHMENT OF THE SHOSHONE CAVERN NATIONAL MONUMENT

The Clerk called the bill (H. R. 6251) to authorize the abolishment of the Shoshone Cavern National Monument and the transfer of the land therein to the city of Cody, Wyo., for public recreational use, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That Shoshone Cavern National Monument, established by Executive proclamation of September 21, 1909 (36 Stat. 2501), is hereby abolished and the Secretary of the Interior is authorized to convey, without cost, the lands embraced therein, aggregating 210 acres, to the city of Cody, Wyo., for public recreational use, upon such terms and conditions as he shall find to be equitable and in the public interest.

In order that the city may provide adequate public access to such property from the Cody-Yellowstone Highway (U. S. Nos. 14 and 20), the Secretary of the Interior is also authorized to convey without cost a right-of-way to the city.

In the event that the city of Cody shall fail to devote the said monument lands to the purposes of public park and recreational site within 10 years after the date of the enactment of this act or shall fail to maintain such land for such purposes for any period of 5 consecutive years subsequent to its devotion to such use or shall fail to provide adequate measures for fire control and watershed protection for the lands, or shall devote such lands or any part thereof to any other use not consistent with the purposes of this act, such lands and all improvements thereon shall revert to the United States. In such an event, the Secretary of the Interior is hereby authorized to declare a forfeiture of all grants and conveyances made pursuant to this act to administer such properties in accordance with the public land laws of the United States.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

APPOINTMENTS TO THE MILITARY AND THE NAVAL ACADEMY

The Clerk called the bill (H. R. 4231) to authorize appointments to the United States Military Academy and United States Naval Academy of sons of certain individuals who were killed in action or who died or shall die as a result of active service in World War I, World War II, or between the period beginning June 27, 1950, and ending on a date proclaimed by the President or the Congress.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That so much of the second paragraph of the act entitled "An act to establish a department or economics, government, and history at the United States Military Academy, at West Point, N. Y., and to amend chapter 174 of the act of Congress of April 19, 1910, entitled 'An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1911, and for other purposes,' approved June 8, 1926, as amended (34 U. S. C., sec. 1036a), as precedes the colon preceding the first proviso thereof is amended to read as follows: "That the number of midshipmen now authorized by law at the United States Naval Academy is hereby increased by one hundred from the United States at large, to be appointed by the President from among the sons of members of the land or naval forces (including male and female members of the Army, Air Force, Navy, Marine Corps, and Coast Guard, and of all components thereof) of the United States, who were killed in action or who have died, or may hereafter die, of wounds or injuries received, or disease contracted, or preexisting injury or disease aggravated, in active service (1) during World War I or World War II as each is defined by laws providing service-connected compensation or pension benefits for veterans of World War I and World War II and their dependents, or (2) on or after June 27, 1950, and prior to such date as shall thereafter be determined by Presidential proclamation or concurrent resolution of the Congress under the joint resolution entitled 'Joint resolution to provide certain benefits for certain persons who shall have served in the Armed Forces of the United States on and after June 27, 1950,' approved May 11, 1951 (38 U. S. C., sec. 745)."

Sec. 2. (a) Subsection (b) of the first section of the act entitled "An act to amend laws relating to the United States Military Academy and the United States Naval Academy, and for other purposes," approved June 30, 1950 (10 U. S. C., sec. 1092a), is amended in the following respects:

(1) By striking out "One hundred and seventy-two" and inserting in lieu thereof "Two hundred and thirty-two";

(2) By striking out "forty from among the sons of members" and inserting in lieu thereof "one hundred from among the sons of members";

(3) By inserting "(1)" immediately before "during World War I"; and

(4) By inserting immediately before the colon preceding the first proviso of such subsection the following "or (2) on or after June 27, 1950, and prior to such date as shall thereafter be determined by Presidential proclamation or concurrent resolution of the Congress under the joint resolution entitled 'Joint resolution to provide certain benefits for certain persons who shall have served in the Armed Forces of the United States on and after June 27, 1950,' approved May 11, 1951 (38 U. S. C., sec. 745)."

(b) Subsection (c) of such section is amended by striking out "two thousand four

hundred and ninety-six" and inserting in lieu thereof "two thousand five hundred and fifty-six."

With the following committee amendments:

On page 1, line 4, change the word "or" to "of."

On page 2, line 6, strike the words "one hundred" and substitute therefor the word "forty."

On page 3, lines 6-10 inclusive strike without substitution.

On page 3, line 11, strike "(3)" and substitute therefor "(1)."

On page 3, line 13, strike "(4)" and substitute therefor "(2)."

On page 3, lines 22-25 inclusive, strike without substitution.

On page 3, after line 25, add a subsection (c) as follows:

"(c) This section shall apply to any Air Force Academy which is established by law before or after the date of enactment of this act."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

UNAUTHORIZED WEARING, MANUFACTURE, OR SALE OF MEDALS AND BADGES AWARDED BY THE WAR DEPARTMENT

The Clerk called the bill (H. R. 459) to amend the act entitled "An act to prohibit the unauthorized wearing, manufacture, or sale of medals and badges awarded by the War Department," as amended.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act to prohibit the unauthorized wearing, manufacture, or sale of medals and badges awarded by the War Department," approved February 24, 1923, as amended by the act approved April 21, 1928 (10 U. S. C. 1425), be amended to read as follows:

"The wearing, manufacture, or sale of any decoration, medal, badge, or ribbon which has been or may hereafter be authorized by the Congress or the President for the Armed Forces of the United States or the civilian employees thereof, or for any person who may render or contribute meritorious service in connection with the work of the United States of America Typhus Commission, or any decoration, medal, badge, ribbon, or veteran's service lapel button, which has been or may hereafter be awarded by any of the Departments of the National Military Establishment, or any decoration, medal, badge, or ribbon which has been or hereafter may be awarded to United States citizens or members of the Armed Forces by foreign governments, in accordance with existent statutes, or the ribbon, button, or rosette of any such decoration, medal, or badge, or any colorable imitation of any of the said devices, or the reproduction in any form or by any means of the design of any of said devices, or of any colorable imitation of said design, is prohibited, except when and as authorized under such regulations as may be prescribed by the President or by such person or persons as he may designate.

"Sec. 2. Any person who knowingly violates the provisions of this act, shall, upon conviction, be punished by a fine not exceeding \$1,000 or by imprisonment for not more than 1 year, or both."

H. R. 7554

IN THE SENATE OF THE UNITED STATES

FEBRUARY 17 (legislative day, FEBRUARY 8), 1954

Read twice and referred to the Committee on Post Office and Civil Service

AN ACT

To provide for compensation of certain employees on days when departments or establishments of the Government are closed by administrative order.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the first section of the Joint Resolution of June 29,
4 1938 (52 Stat. 1246), is amended by inserting after “by
5 Executive order,” the following: “or any day on which such
6 employees are relieved or prevented from working by ad-
7 ministrative order issued under such regulations as may be
8 promulgated by the President,”.

Passed the House of Representatives February 16, 1954.

Attest:

LYLE O. SNADER,

Clerk.

AN ACT

To provide for compensation of certain employees on days when departments or establishments of the Government are closed by administrative order.

FEBRUARY 17 (legislative day, FEBRUARY 8), 1954

Read twice and referred to the Committee on Post
Office and Civil Service

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

Issued

May 26, 1954

For actions of

May 25, 1954, 11

83rd-2nd, No. 96

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(For Department Staff Only)

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HIGHLIGHTS: Senate subcommittee completed mark-up of agricultural appropriation bill. Senate passed Army civil appropriation bill. House committee reported O&C land bill. House committee voted to report surplus-fish bill. Sen. Humphrey criticized Secretary's dairy program.

SENATE

1. AGRICULTURAL APPROPRIATION BILL, 1955. The agricultural subcommittee of the Appropriations Committee completed its marking up of this bill, H. R. 5779, and voted to report the bill to the full Committee with amendments (p. D580).
2. FLOOD-CONTROL APPROPRIATIONS. Passed with amendments H. R. 8367, the Army civil functions appropriation bill. Senate conferees were appointed. (pp. 6671-9, 6683-90).
3. DAIRY PRICE SUPPORTS. Sen. Humphrey claimed the Secretary's dairy program has been a "failure" (pp. 6695-700).
4. INTERGOVERNMENTAL RELATIONS. Sen. Lennon was appointed to the Commission on Intergovernmental Relations, succeeding the late Sen. Hoey (p. 6658).
5. PERSONNEL. The Post Office and Civil Service Committee voted to report (but did not actually report) H. R. 7554, to provide compensation of certain employees when Government departments are closed by administrative order (p. D582).
6. ALASKA STATEHOOD. Sen. Malone inserted a petition from various people in Alaska requesting a referendum on statehood (pp. 6679-82).
7. RECLAMATION. H. R. 5731, to authorize reclamation work on the Santa Margarita River, Calif., was made the unfinished business (pp. 6691-2).
8. RECESSED until Thurs., May 27 (p. 6700).

HOUSE

9. FISHERY PRODUCTS. The Merchant Marine and Fisheries Committee voted to report (but did not actually report) S. 2802, to earmark part of Sec. 32 funds for publicity, education, and research on fish and related products (p. D583).
10. FORESTRY. The Interior and Insular Affairs Committee reported with amendment H. R. 5958, relating to the administrative jurisdiction of certain O&C lands in Oreg. (H. Rept. 1677)(p. 6728).
11. LEGISLATIVE-JUDICIARY APPROPRIATION BILL, 1955. Passed with amendment this bill, H. R. 9203 (pp. 6705-18).
12. ELECTRIFICATION. The Interior and Insular Affairs Committee reported with amendment H. R. 8328, to authorize the transmission and disposition of electric energy generated at Falcon Dam on the Rio Grande (H. Rept. 1678)(p. 6728).
13. PUBLIC LANDS. The Interior and Insular Affairs Committee reported without amendment S. 1823, to allow credit in connection with certain homestead entries for military or naval service rendered during the Korean conflict (H. Rept. 1676)(p. 6728).

BILLS INTRODUCED

14. FORESTRY. S. 3509, by Sen. Watkins, to establish public use of the national forests as a policy of Congress; to Agriculture and Forestry Committee (p. 6652).
15. FLOOD CONTROL. S. 3510, by Sen. Gordon, to provide for cooperation in financing and early development of the John Day project on the Columbia River; to Public Works Committee. Remarks of author. (pp. 6652-7.) Also H. R. 9307, by Rep. Coon; to Public Works Committee (p. 6729).
16. DAIRY INDUSTRY. H. R. 9267, by Rep. Laird, to provide an adequate, balanced, and orderly flow of milk and dairy products in interstate and foreign commerce, to stabilize prices of milk and dairy products, etc.; to Agriculture Committee (p. 6728).
17. ELECTRIFICATION. H. R. 9326, by Rep. Wolverton, to amend the Federal Power Act to provide that charges shall be paid by Federal power projects which are benefited by stream improvements constructed by other parties; to Interstate and Foreign Commerce Committee (p. 6730).

COMMITTEE HEARINGS RELEASED BY GPO

18. WOOL PRICE SUPPORTS, H. R. 7775. H. Agriculture Committee.

ITEMS IN APPENDIX

19. FORESTRY. Extension of remarks of Rep. Metcalf claiming that opposition to H. R. 6787, to protect interests of livestock producers in connection with Forest Service grazing lands, is growing and including some of the objections to the bill in a statement by the Emergency Committee on National Resources (pp. A3868-9).
20. TEXTILES. Extension of remarks of Rep. Howell discussing "the recession in the textile industry" and including a newspaper editorial, "Dying Textiles?" (pp. A3870-1).

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

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HIGHLIGHTS: Senate committee reported USDA appropriation bill and Senate will begin its consideration Tues. House committee ordered reported bill to increase interest on farm-housing loans, etc., eliminating loan insurance at 100% appraised value. Sen. Schoepfel defended Secretary's dairy program.

SENATE

1. AGRICULTURAL APPROPRIATION BILL, 1955. The Appropriations Committee reported with amendments this bill, H. R. 8779 (S. Rept. 1429) (p. 6796). For total amounts provided by the committee for each item see Digest 97.
2. PERSONNEL. The Post Office and Civil Service Committee reported without amendment H. R. 7554, to provide compensation of certain employees when Government departments are closed by administrative order (S. Rept. 1470) (p. 6796).
3. DAIRY PRICE SUPPORTS. Sen. Schoepfel defended Secretary Benson's dairy price-support program, discussing reasons other than the reduction in price supports which have caused increased production, and inserting a Dairy Record article commending the Secretary's "courage" in reducing the dairy price-support level (pp. 6859-61).
4. RECLAMATION. Began debate on H. R. 5731, to authorize reclamation work on the Santa Margarita River, Calif. (pp. 6838, 6845-55, 6861-7). Agreed to limit debate beginning Fri. to 1 hour on any motion or amendment, and to 2 hours on the bill itself (p. 6861).
5. LEGISLATIVE PROGRAM as announced by Majority Leader Knowland: Tues., calendar, after which it is proposed to begin consideration of the agricultural appropriation bill; Wed., if action on the appropriation bill is completed, bills to facilitate railroad reorganization proceedings under the Bankruptcy Act, and to extend and amend the Renegotiation Act of 1951; Thurs., if preceding is disposed of, debate will begin on the housing bill (p. 6814).

COMMITTEE HEARINGS RELEASED BY GPO

6. VEHICLES. H. R. 4457 and H. R. 8753, to amend the Federal Property and Administrative Services Act so as to authorize GSA to operate motor vehicle and furniture pools. H. Government Operations Committee.

HOUSE

7. FARM LOANS. The Agriculture Committee ordered reported (but did not actually report) H. R. 8656, to expand the insured loan program for farm housing under the Bankhead-Jones Farm Tenant Act, amending the bill so as to eliminate the provision authorizing insurance of loans up to 100% of the appraised value (p. D596).
8. PUBLIC LANDS. The Agriculture Committee ordered reported (but did not actually report) H. R. 4928, to direct conveyance of part of the Animal Quarantine Station, Clifton, N. J., to the city. This bill was reconsidered, after having been ordered reported on May 21, and was ordered reported with amendments which would require the city to pay survey costs, and reserving mineral rights to the Federal Government (p. D596).
- The committee also ordered reported H. R. 2762, to permit the use of National forest lands for industrial and commercial purposes (p. D596).
9. RECLAMATION. A subcommittee voted to report to the Interior and Insular Affairs Committee H. R. 8026, to provide for transfer of title to movable property to irrigation districts of water user's organizations under the Federal reclamation laws; and H. R. 8027, to extend the time during which the Interior Secretary may enter into amendatory repayment contracts under the Federal reclamation laws to Dec. 31, 1957 (now Dec. 31, 1954) (p. D597).

ITEMS IN APPENDIX

10. ELECTRIFICATION. Sen. Gore inserted his statement opposing S. 3434, a bill to require that any federally-owned power project must pay for benefits accruing from upstream development (pp. A3930-1).
11. FOOD PRICES. Sen. Hennings inserted Rep. Sullivan's recent address, "The Forgotten Consumer", criticizing low prices at the farm level and near record levels to the consumer (pp. A3934-5).
12. TVA. Sen. Kefauver inserted an Atlanta Journal and Constitution article criticizing the administration's attitude toward TVA (p. A3941).
13. FARM CLUBS. Sen. Johnson, Tex., inserted a Tyler (Tex.) Morning Telegraph article commending various "hobby-farmer" members for their contributions toward research in breeding of livestock, and soil conservation practices (p. A3941).
14. FLAMMABLE FABRICS. Extension of remarks of Rep. Patterson favoring his bill, H. R. 9193, to amend the Flammable Fabrics Act, so as to exempt from its application fabrics and wearing apparel which are not highly flammable (p. A3942).

PAY OF CERTAIN EMPLOYEES FOR NONWORKDAYS SET BY ADMINISTRATIVE ORDER

MAY 27 (legislative day, MAY 13), 1954.—Ordered to be printed

Mr. CARLSON, from the Committee on Post Office and Civil Service,
submitted the following

R E P O R T

[To accompany H. R. 7554]

The Committee on Post Office and Civil Service, to whom was referred the bill (H. R. 7554) to provide for compensation of certain employees on days when departments or establishments of the Government are closed by administrative order, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

STATEMENT

The purpose of this legislation is to extend the authority of the act of June 29, 1938, which authorizes holidays with pay for per diem workers, to permit these employees to receive pay for periods where they are relieved or prevented from working by administrative order issued under regulations promulgated by the President.

Under the existing law, regular employees of the Federal Government whose compensation is fixed at a rate per day, per hour, or on a piecework basis are permitted time off only on enumerated holidays or days on which agencies are closed by Executive order. No provision is made for time off with pay and without charge against leave when such employees are relieved or prevented from working by administrative order.

Departments and agencies have long been authorized to grant time off with pay and without a charge against leave to per annum employees when installations are closed by administrative order. Such authorization has been supported by numerous rulings of the Comptroller General.

The Department of Defense, which employs approximately 90 percent of the personnel affected, recommends this legislation as essential to provide equitable treatment for per diem, hourly, and piecework

employees. It is particularly important in localities where the prevailing practice among private employers is to compensate workers for such nonworkdays.

The bill as reported conforms to the modifying language of the Comptroller General's report in which he suggested that the purpose of the Congress might better be served if the authority proposed to be granted is not confined to situations involving the closing of Government establishments or parts thereof and that it be made subject to regulations promulgated by the President. The bill as it now reads, stating that such administrative orders shall be issued under regulations promulgated by the President, removes isolated administrative discretion as to whether the employees covered are to be paid and creates a uniform practice among employees of the various agencies.

The exact cost of this legislation cannot be determined, but the Department of Defense reports that such cost will be negligible and will result in no increase in appropriations.

This legislation has the approval of the Bureau of the Budget, the Comptroller General, Civil Service Commission, and the Department of Defense. The Comptroller General's report on this legislation is set forth below.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, February 15, 1954.

HON. FRANK CARLSON,
*Chairman Post Office and Civil Service Committee,
United States Senate.*

MY DEAR MR. CHAIRMAN: Reference is made to your letter of January 21, 1954, acknowledged by telephone January 26, enclosing copies of S. 2729, 83d Congress, 2d session, and requesting my views and comments thereon.

The bill would amend the act of June 29, 1938, 52 Statute 1246, to authorize payment of compensation to regular employees whose compensation is fixed at a rate per day, per hour, or on a piecework basis for days on which they are relieved or prevented from working solely because the department or establishment is closed in whole or in part by administrative order.

The matter of administratively excusing such employees from duty without loss of pay or charge to annual leave has been the subject of numerous decisions by the General Accounting Office wherein it was held that, under existing provisions of law, such action was unauthorized. While the situations considered have covered a variety of circumstances, for convenience they may be grouped into three categories. The first involves the matter of excusing individual or small groups of employees for short periods of time, usually less than a day, when an establishment is not necessarily closed, to permit them to participate in blood-donor campaigns, to vote in local, State, or Federal elections, to attend parades in honor of visiting dignitaries and to engage in similar civil activities which the Government is interested in encouraging. The second category, which finds a parallel in private industry, is exemplified by the closing of establishments in whole or in part, sometimes for extended periods, for purely managerial reasons, such as for retooling, taking of inventories, relocations of plants, and for similar purposes. The third comprehends situations where normal operations of an establishment are interrupted by events beyond the control of either management or employees. That is, fires, floods, storms, or other natural phenomena resulting from what are usually referred to as acts of God which may or may not require the closing of an establishment. Similar situations frequently arise in the District of Columbia where establishments are closed by administrative order and employees relieved from duty for portions of days because of excessive heat or to ameliorate traffic conditions resulting from snow or sleet storms.

In view of the variety of situations which may arise and the absence of any limiting language in the bill as to the extent the authority therein granted may be exercised, it is suggested that the purpose of the Congress might better be served if the authority proposed to be granted is not confined to situations involving the closing of Government establishments or parts thereof and that it be

made subject to regulations promulgated by the President. Further, the bill as it now reads leaves it within administrative discretion as to whether the employees covered are to be paid, thus leading to conditions conducive to lack of uniform practice among agencies and dissatisfaction among employees.

Consideration well might be given to modifying the language of the bill to read as follows:

"That the first section of the Joint Resolution of June 29, 1938 (52 Stat. 1246), is amended by inserting after 'by Executive order,' the following: 'or any day on which such employees are relieved or prevented from working by administrative order issued under such regulations as may be promulgated by the President,' "

The suggested language change is identical with that contained in H. R. 7554, as reported upon, with amendments, by the Committee on Post Office and Civil Service, House of Representatives. See House Report No. 1185, February 8, 1954.

I am in favor of the general purposes of the bill.

Sincerely yours,

LINDSAY C. WARREN,
Comptroller General of the United States.

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

FIRST SECTION OF JOINT RESOLUTION OF JUNE 29, 1938 (PUBLIC RES. NO. 127; 75TH CONG.; 52 STAT. 1246)

That hereafter whenever regular employees of the Federal Government whose compensation is fixed at a rate per day, per hour, or on a piece-work basis are relieved or prevented from working solely because of the occurrence of a holiday such as New Year's Day, Washington's Birthday, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Day, or any other day declared a holiday by Federal statute or Executive order, or any day on which the departments and establishments of the Government are closed by Executive order, *or any day on which such employees are relieved or prevented from working by administrative order issued under such regulations as may be promulgated by the President*, they shall receive the same pay for such days as for other days on which an ordinary day's work is performed.



Calendar No. 1480

83^D CONGRESS
2^D SESSION

H. R. 7554

[Report No. 1470]

IN THE SENATE OF THE UNITED STATES

FEBRUARY 17 (legislative day, FEBRUARY 8), 1954

Read twice and referred to the Committee on Post Office and Civil Service

MAY 27 (legislative day, MAY 13), 1954

Reported by Mr. CARLSON, without amendment

AN ACT

To provide for compensation of certain employees on days when departments or establishments of the Government are closed by administrative order.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the first section of the Joint Resolution of June 29,
4 1938 (52 Stat. 1246), is amended by inserting after “by
5 Executive order,” the following: “or any day on which such
6 employees are relieved or prevented from working by ad-
7 ministrative order issued under such regulations as may be
8 promulgated by the President,”.

Passed the House of Representatives February 16, 1954.

Attest:

LYLE O. SNADER,

Clerk.

83d CONGRESS
2d Session

H. R. 7554

[Report No. 1470]

AN ACT

To provide for compensation of certain employees on days when departments or establishments of the Government are closed by administrative order.

FEBRUARY 17 (legislative day, FEBRUARY 8), 1954

Read twice and referred to the Committee on Post
Office and Civil Service

MAY 27 (legislative day, MAY 18), 1954

Reported without amendment

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued June 2, 1954
For actions of June 1, 1954
83rd-2nd, No. 100

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HIGHLIGHTS: Senate debated agricultural appropriation bill. House passed bill extending social security program to others, including farmers, etc. House received part 2 of GAO audit of CCC. Rep. Sheehan introduced and discussed bill to insure more sugar under Sugar Act.

SENATE

1. AGRICULTURAL APPROPRIATION BILL, 1955. Began debate on this bill, H. R. 8779 (pp. 6976-9, 6982-99). Agreed to Sen. Young's request "that the amendments of the committee be agreed to en bloc, and that the bill, thus amended, be considered as original text for the purpose of further amendment", (p. 6978).

Agreed, 51-20, to a Schoepel-Cooper amendment to increase payments to States for experiment stations by \$1,500,000 (thus restoring the House figure and the budget estimate)(pp. 6979, 6982-7).

Agreed to a Williams amendment to prohibit loans for new or expanded broiler production and to limit to \$3,000 loans for continuation of broiler production or repair of broiler facilities, by any Government agency (pp. 6987-90).

Debated a Douglas amendment to increase REA loan authorizations by \$35,000,000. The yeas and nays were ordered on this amendment, but a vote was postponed until today. (pp. 6990-9.)

2. PERSONNEL. Passed without amendment H. R. 7554, to require payment of compensation to per diem, per hour, and piecework employees when Government establishments are closed by administrative order, thus according them the same equitable treatment as is given to classified or salaried workers in such circumstances (p. 6973). This bill will now be sent to the President.

HOUSE

3. SOCIAL SECURITY. Passed, 355 to 8, without amendment H. R. 9366, to amend the Social Security Act and the Internal Revenue Code so as to extend coverage under

the old-age and survivors insurance program to other groups (including farmers and additional farm workers), increase the benefits payable thereunder, preserve the insurance rights of disabled individuals, and increase the amount of earnings permitted without loss of benefits (pp. 7006-56).

4. CCC AUDIT. Received part 2 of the GAO audit report of CCC for the fiscal year 1952 (H. Doc. 409)(p. 7059).
5. FLOOD-CONTROL APPROPRIATIONS. House conferees were appointed on H. R. 8367, the Army civil functions appropriation bill for 1955 (p. 7006). Senate conferees have been appointed.
6. SUGAR. Received a La. Legislature memorial favoring an increase in the domestic sugarcane quota (p. 7060).
7. RECLAMATION. The Interior and Insular Affairs Committee ordered reported (but did not actually report) H. R. 8520, to authorize the Ainsworth, Lavaca Flats, Mirage Flats Extension, and O'Neill development as units of the Missouri Basin project (p. D609).

BILLS INTRODUCED

8. SURPLUS COMMODITIES. H. R. 9389, by Rep. Hill, to increase the consumption of U. S. agricultural commodities in foreign countries; to Agriculture Committee (p. 7059).
9. FLAMMABLE FABRICS. H. R. 9392, by Rep. Patterson, to exempt from the Flammable Fabrics Act fabrics and apparel which are not highly flammable; to Interstate and Foreign Commerce Committee (p. 7060).
10. SUGAR. H. R. 9394, by Rep. Sheehan, to amend the Sugar Act of 1948 so as to prohibit the Secretary of Agriculture from setting an annual estimate below average usage during the 2 preceding years; to Agriculture Committee (p. 7060). Remarks of author (pp. A4072-3).
11. CIVIL DEFENSE. H. J. Res. 540, by Rep. Rodino, to constitute the Federal Civil Defense Administration an executive department; to Government Operations Committee (p. 7060).

ITEMS IN APPENDIX

12. SUGAR. Rep. Brooks inserted a La. Legislature resolution favoring increased domestic sugarcane quotas (p. A4023).
13. RECLAMATION. Rep. Stringfellow inserted articles by George D. Clyde favoring the proposed Echo Dam project (pp. A4025-7). He also inserted Mr. Clyde's summary favoring other Colo. River projects (p. A4030).
14. PRICE SUPPORTS. Extension of remarks of Sen. Johnson, Tex., stating that although "much is heard about the cost of the farm price-support program... not nearly so much is heard about Government subsidies to other occupational groups" (pp. A4035-6).
15. FOREIGN AID. Extension of remarks of Rep. Vorys favoring foreign aid through loans rather than grants (pp. A4060-1).
16. FARM PRICES. Rep. Canfield inserted a New York Times editorial claiming that

Mr. SALTONSTALL. I will say to my friend from Delaware that the question he raises did not arise in the hearings in connection with the bill because we did not believe it was before the committee. The question before the committee was one involving an entirely new type of ship, which had not been included in the original 1950 program, and of having such new type of ship included in that program. An authorization for the expenditure of additional money is not involved. The money has already been authorized. It is merely a question of authorizing the construction of a new type of ship, a type which I understand has never been constructed.

Mr. WILLIAMS. I will say to the Senator from Massachusetts that I have no objection to granting the authority proposed, if he believes it is necessary to grant it. However, I feel there should be added to the bill a provision whereby the Navy should first solicit bids, and if two or more bids can be obtained from responsible bidders the Navy should accept the lowest bid from the lowest responsible bidder. I believe it is absolutely necessary to add such a provision. Although it may be the standard rule of procedure to ask for bids, we also know that such a rule has not been followed in recent months. Therefore, I insist that such a provision be added to the pending bill.

Mr. SALTONSTALL. If that is done in connection with the bill, I point out to the Senator from Delaware that there are numerous statutes regarding the construction of ships which also would have to be amended in ways that I cannot foresee at the present time. As I understand, when we authorize the construction of a battleship or of an aircraft carrier, or of any other type of ship, the authority is granted in an authorization act. The letting of contracts is an entirely different matter, which comes up at an entirely different time. The bill conforms to the ordinary procedure which has been adhered to for many years.

Mr. WILLIAMS. It is true that the procedure is the ordinary procedure, but under such ordinary procedure we have lost a great deal of money in the past few years.

Mr. SALTONSTALL. I cannot agree at all with the Senator on that point.

Mr. BUTLER of Maryland. Mr. President, will the Senator yield?

Mr. SALTONSTALL. I yield.

Mr. BUTLER of Maryland. I should like to supplement the remarks of the Senator from Massachusetts by saying that the Senator from Delaware must look upon the Navy procurement program as a defense program, and upon the American shipbuilding facilities as defense facilities. If we are to maintain an adequate base for expansion purposes in time of emergency, we must have a minimum amount of shipbuilding capacity.

I have been conducting hearings for more than a year on this subject, and the Department of Defense, the Navy Department, and the Department of Commerce all seem to agree that we

must have a certain minimum capacity for the production of ships. Ships are very vital in time of war and in time of emergency. If one shipyard is overcrowded and another shipyard, which is essential to the national defense will close down unless it gets an order, it would be silly indeed for the sake of saving a few dollars to close down a facility which may have to be reactivated shortly thereafter at a cost of many million dollars. Under the law the Department of Defense has discretion in placing contracts, to the end that minimum facilities may be kept in operation.

Mr. WILLIAMS. I will say to the Senator from Maryland that we are not speaking about a few dollars. The case to which I referred happened only a few months ago and involved a difference of \$8 million on the construction of 2 or 3 ships. If we are to build ships because they are needed in the name of defense, I am willing to provide for their construction and that they be constructed in American shipyards. However, if we are to start a work-relief program, to fill the needs of employment in various sections of the country, let us say so.

Mr. BUTLER of Maryland. It is not that at all. We need the ships and we need a minimum standby capacity for the construction of ships. We need the capacity just as much as we need the ships. The Department of Defense has found it to be a very dangerous practice to reduce shipbuilding facilities below a certain minimum. I believe we have reached the minimum and therefore we must give some thought to keeping the shipyards of our country in operation, even though in connection with a given contract the taxpayers may have to pay a little more money immediately, because in the long run they will save a great deal of money by reason of the fact that the shipbuilding facilities will be available when needed.

Mr. WILLIAMS. I see no disadvantage to the taxpayers in putting a provision in the bill that if the Government has bids from two responsible bidders it must accept the lowest bid, and that both bids be made by American shipyards.

Mr. BUTLER of Maryland. That is contrary to law. Under the law the Department of Defense has the right to allocate a contract, in the interest of national defense, to a yard other than the yard which has submitted the lowest bid. That is a good and salutary policy, which is in the interest of national defense, and we should continue the policy.

Mr. LANGER. Mr. President, the senior Senator from North Dakota is entirely satisfied that the bill should not be passed on the call of the calendar. He objects.

The PRESIDING OFFICER (Mr. SCHOEPPEL in the chair). Objection is heard, and the bill will be passed over.

COMPENSATION OF CERTAIN EMPLOYEES

The bill (H. R. 7554) to provide for compensation of certain employees on days when departments or establishments of the Government are closed by

administrative order was considered, ordered to a third reading, read the third time, and passed.

VOTING BY MEMBERS OF ARMED FORCES

The Senate proceeded to consider the bill (S. 1654) to amend the act entitled "An act to provide for a method of voting in time of war, by members of the land and naval forces absent from the place of their residence," approved September 16, 1942, as amended, which had been reported from the Committee on Rules and Administration with amendments, on page 2, line 14, after the numerals "209" to insert "(a)"; and on page 3, beginning with line 7, to insert:

Sec. 6. Sections 208, 209 (a), 210 (a), and 210 (b), of such act (50 U. S. C. 328, 329, 330) are amended by inserting in each such section the words "the Secretary of the Air Force," following the words "Secretary of the Navy,"; sections 209 (d) and 211 of such act (50 U. S. C. 329, 331) are amended by inserting in each such section the words "Air Force," after the word "Navy,"; and section 403 of such act (50 U. S. C. 353) is amended by substituting the words "Navy and Air Force" for the words "and Navy."

So as to make the bill read:

Be it enacted, etc., That section 201 of the act entitled "An act to provide for a method of voting in time of war, by members of the land and naval forces absent from their place of their residence," approved September 16, 1942, as amended (50 U. S. C. 321) is amended by inserting after "with the Armed Forces of the United States," the following: "and the wife of each such person who is absent from the place of her residence because of the service of such person,".

Sec. 2. Section 202 (b) of such act is amended by inserting after the words "their service" the words "or the service of their husbands."

Sec. 3. Section 205 (a) of such act (50 U. S. C. 325) is amended by striking out the first line of item 4 of the form contained therein and inserting in lieu thereof the following:

"(4) (I am) (My husband is) serving (check appropriate blank) —."

Sec. 4. (a) Section 208 of such act (50 U. S. C. 328) is amended by adding at the end of item 5 of the form contained therein the following:

"(d) Wives of members of the Armed forces —"

"(e) Wives of members of the merchant marine —"

"(f) Wives of civilians outside the United States officially attached to and serving with the Armed Forces —"

(b) Such section is further amended by adding at the end of item 6 of such form the following:

"(4) Wives of members of the Armed Forces —"

"(5) Wives of members of the merchant marine —"

"(6) Wives of civilians outside the United States officially attached to and serving with the Armed Forces —"

Sec. 5. (a) Section 209 (a) of such act (50 U. S. C. 329 (a)) is amended by inserting after "with the Armed Forces of the United States," the following: "and where the wives of such persons are absent from the places of their residence and are residing with their husbands shall, wherever practicable, cause such post cards to be made available to such wives."

(b) Section 209 (b) of such act (50 U. S. C. 329 (b)) is amended by striking out the first

line of item 2 of the form contained therein and inserting in lieu thereof the following:

"(2) I am a citizen of the United States and (I am) (my husband is) serving—."

Sec. 6. Sections 208, 209 (a), 210 (a), and 210 (b), of such act (50 U. S. C. 328, 329, 330) are amended by inserting in each such section the words "the Secretary of the Air Force," following the words "Secretary of the Navy,"; sections 209 (d) and 211 of such act (50 U. S. C. 329, 331) are amended by inserting in each such section the words "Air Force," after the word "Navy,"; and section 403 of such act (50 U. S. C. 353) is amended by substituting the words "Navy and Air Force" for the words "and Navy."

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 8487) to amend the act of June 19, 1948, to provide for censuses of manufactures, mineral industries, and other businesses, relating to the year 1954, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. GORE. Mr. President, no reports have been supplied in connection with Calendar No. 1482, H. R. 8487; Calendar No. 1483, H. R. 2226; and Calendar No. 1484, H. R. 5913. Therefore, I ask that those bills be passed over.

The PRESIDING OFFICER. Objection is heard, and H. R. 8487, H. R. 2226, and H. R. 5913 are passed over.

PROVISION FOR HOUSING, ETC.— BILL PASSED OVER

The bill (H. R. 7839) to aid in the provision and improvement of housing, the elimination and prevention of slums, and the conservation and development of urban communities, was announced as next in order.

Mr. KNOWLAND. Obviously this is a bill which should not be passed on call of the calendar. It involves housing legislation, which we intend to take up on Thursday of this week. Therefore, I ask that the bill go over.

The PRESIDING OFFICER. The bill will go over.

AMENDMENT OF RAILROAD RETIREMENT ACT OF 1937—BILL PASSED OVER

The bill (S. 2178) to amend the Railroad Retirement Act of 1937, as amended, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. GORE. By request, I ask that the bill go over.

The PRESIDING OFFICER. By request, the bill goes over.

Mr. GORE. I believe that concludes the call of the calendar, with the exception of bills passed to the foot of the calendar.

ATTORNEYS' LIENS IN PROCEEDINGS BEFORE COURTS AND GOVERNMENT DEPARTMENTS AND AGENCIES

The PRESIDING OFFICER. The clerk will state the first bill placed at the foot of the calendar.

The LEGISLATIVE CLERK. A bill (S. 42) to provide for attorneys' liens in proceedings before the courts or other departments and agencies of the United States.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HENDRICKSON. Mr. President, I call up the amendment which is at the desk.

The PRESIDING OFFICER. The clerk will state the amendment.

Mr. LANGER. I do not see the Senator from Illinois [Mr. DIRKSEN] in the Chamber.

Mr. HENDRICKSON. I ask that the clerk state the amendment.

Mr. LANGER. This is the first time I have read the amendment. I should like to ask a question of the Senator from Illinois.

The PRESIDING OFFICER. Does the Senator from New Jersey desire to have the amendment stated?

Mr. HENDRICKSON. I should like to have it stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. It is proposed to strike out all after the enacting clause and insert in lieu thereof the following:

That chapter 125, title 28, United States Code, is hereby amended by adding immediately after section 1963 of such title a new section as follows:

"§ 1964. Attorney's charging lien in an action or other proceeding

"(a) From the commencement of an action, or other proceeding, in any court of the United States or before any department or agency of the United States, or the service of an answer containing counterclaim, an attorney-at-law whose appearance has been entered for a party shall have a lien upon his client's cause of action, claim, or counterclaim, which shall attach to money or other property due his client, or paid or delivered to such client, under any final determination, decision, judgment, or order in his client's favor in such action or proceeding, or under any settlement entered into between the parties either before or after final determination, decision, judgment, or order. Such lien shall attach to such money or property in whatever hands it may come, other than the hands of a bona fide purchaser or holder for value. The court in which the action or proceeding is brought, or the court in which a proceeding for judicial review may be brought if the proceeding be brought before any department or agency of the United States, or if no judicial review of such department or agency action is provided by law, any district court of the United States shall, upon petition of the client or attorney, determine and enforce such lien.

"(b) No statute forbidding or limiting the assignment of a claim against the United States or the creating or enforcement of a lien against money or other property seized or vested by the United States shall be deemed to apply to the lien established as

aforesaid. Notwithstanding the provisions of subsection (a), no such lien shall attach to any money or other property in the hands of the Government unless written notice of such lien has been given to the department or agency before which the action or proceeding is pending, or which is a party to or interested in such proceeding. Any such lien shall attach only to so much of any money or other property in the hands of the Government as may be due the client after satisfaction of any valid counterclaims or offsets which may be asserted by the Government prior to the expiration of 60 days following the date of the final determination, decision, judgment, or order. The term 'action or other proceeding' as used in this section shall not be construed to include any claim for benefits of any kind provided for under any social insurance, retirement, pension, annuity or unemployment insurance system administered by any department or agency of the United States, or any application for a license (as defined in sec. 2 of the Administrative Procedure Act).

"(c) The lien created under this section shall attach only to money or other property due, paid, or delivered under any final determination, decision, judgment, or order hereafter rendered, or under any settlement hereafter entered into, in any action or other proceeding presently pending or hereafter commenced in any court of the United States or before any department or agency of the United States."

SEC. 2. The analysis of chapter 125 of title 28, United States Code, immediately following section 1963 of such title, is amended so as to read:

"1964. Attorney's charging lien in an action or other proceeding."

Mr. HENDRICKSON. Mr. President, I should like to make an explanation of the bill and the proposed amendment.

This is an amendment in the nature of a substitute for the bill (S. 42) to provide for attorneys' liens in proceedings before the courts or other departments and agencies of the United States. The changes which would be made by the amendment in the bill as reported by the committee are as follows:

The bill provides that an attorney's lien shall attach to "any verdict, report, determination, decision, judgment, or final order in his client's favor, and the proceeds thereof." Under the amendment, the lien would attach to "money or other property due his client, or paid or delivered to such client, under any final determination, decision, judgment, or order in his client's favor in such action or proceeding, or under any settlement entered into between the parties either before or after final determination, decision, judgment, or order."

It will be noted that the amendment makes a number of changes in the above-quoted provision of the bill. First, the words "verdict" and "report" are eliminated as unnecessary. Second, the word "final" is moved so that it will modify "determination, decision, and judgment" as well as "order." Third, instead of the lien attaching to a determination, decision, judgment, or order, as provided by the bill, the amendment provides that the lien will attach to money or other property due the client or paid or delivered to the client under the determination, decision, judgment, or order. Fourth, the bill

Public Law 395 - 83d Congress
Chapter 283 - 2d Session
H. R. 7554

AN ACT

All 68 Stat. 249.

To provide for compensation of certain employees on days when departments or establishments of the Government are closed by administrative order.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Joint Resolution of June 29, 1938 (52 Stat. 1246), is amended by inserting after "by Executive order," the following: "or any day on which such employees are relieved or prevented from working by administrative order issued under such regulations as may be promulgated by the President,". ^{5 USC 86a.}

Approved June 11, 1954.

